

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
)	

REQUEST FOR WAIVER

Pursuant to Sections 1.1, 1.3, and 1.41 of the Rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Level 3 Communications, LLC, on behalf of itself and its subsidiaries and affiliates (“CenturyLink”), hereby requests the Commission for a waiver to relax telephone number portability rules as CenturyLink attempts to initiate service in the United States Virgin Islands (“USVI”). Lingered effects from Hurricane Maria have contributed to CenturyLink being thus far unable to obtain the necessary trunking to provide service. CenturyLink requests a waiver for a period of six (6) months, consistent with a recent waiver granted by the Commission. In support of this request, the following is shown:

I. BACKGROUND

As the Commission is aware, in September 2017 Hurricane Maria struck the USVI and other areas of the Caribbean, causing widespread devastation. USVI was declared a major disaster area by the federal government and recovery efforts are still ongoing.² On September 21, 2017, the Commission’s Wireline Competition Bureau granted, on its own motion, a

¹ 47 C.F.R. §§ 1.1, 1.3, 1.41.

² President Donald J. Trump Approves Major Disaster Declaration for the U.S. Virgin Islands, FEMA release HQ-17-128 (Sept. 21, 2017), available at <https://www.fema.gov/news-release/2017/09/21/president-donald-j-trump-approves-major-disaster-declaration-us-virgin>.

temporary waiver of certain of the Commission's rules to facilitate the continuation of telecommunications service. Specifically, because of the substantial damage to telecommunications systems expected to be caused by Hurricane Maria, the Commission allowed customers in affected rate centers to port numbers to locations outside those rate centers.³ In fact, the Commission "encourage[d] service providers to port telephone numbers geographically outside a rate center to the extent it is technically feasible."⁴ The waiver was effective for a nine-month period and recently expired on June 20, 2018.

Shortly before expiration, Sprint Corporation ("Sprint") filed to extend the waiver in light of difficulties it continues to have restoring service in USVI. On June 19, 2018, Sprint described its inability to establish new trunk groups to the local exchange carrier tandem necessary to support services to approximately 7,000 customers.⁵ Sprint described a work-around enabling it to rehome these USVI numbers using a Location Routing Number associated with a switch located in the continental United States. This allows calls to complete on an alternate call path that is not dependent on the USVI trunk group. However, this also effectively ports the USVI numbers across LATA boundaries, which is generally not permitted by the Number Portability Administration Center ("NPAC"). Sprint sought a six-month extension of the previous waiver so it could continue routing calls in this manner pending completion of service restoration. The Commission issued its decision granting Sprint's waiver on June 21, 2018.⁶

³ *Telephone Number Portability and Numbering Resource Optimization*, CC Docket Nos. 95-116, 99-200, Order, 32 FCC Rcd 7005, ¶ 3 (rel. Sept. 21, 2017).

⁴ *Id.*

⁵ Request for Extension of Waiver of Sprint Corporation, filed herein (June 19, 2018) (Sprint Waiver Request).

⁶ *In the Matter of Telephone Number Portability; Numbering Resource Optimization*, CC Docket Nos. 95-116, 99-200, Order, DA 18-653 (rel. June 22, 2018).

CenturyLink also seeks a six-month waiver so it can rehome numbers to a stateside switch in Florida and initiate service in USVI that is not dependent on establishing trunk groups on the islands. CenturyLink has been working with the incumbent service provider to establish the necessary connections over the past several months, but has not been successful.⁷ CenturyLink seeks to implement a work-around similar to Sprint to enable calls to be routed via Florida, obviating the need for additional infrastructure on USVI to establish service during this time when limited resources are appropriately focused on restoration efforts.

II. PUBLIC INTEREST CONSIDERATIONS

Section 1.3 of the Commission's rules provides that "[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause is shown."⁸ As noted by Sprint in its waiver request, the Commission may waive its rules where the particular facts would make strict compliance with the rules inconsistent with the public interest, taking into account conditions of "hardship, equity, or more effective implementation of overall policy on an individual basis."⁹ The Commission has also waived its rules where special circumstances justify deviating from the general rule and a waiver would serve the public interest.¹⁰

Here, the Commission has previously determined both nine months ago and again very recently that the public interest would be served by limited, temporary waivers of certain

⁷ On May 2, 2018, CenturyLink filed a formal complaint against the Virgin Islands Telephone Corp. (dba Viya) before the USVI Public Services Commission, PSC Docket 667, seeking an order directing Viya to interconnect with CenturyLink consistent with the parties' interconnection agreement.

⁸ 47 C.F.R. § 1.3.

⁹ Sprint Waiver Request at 3, citing *Numbering Resource Optimization; Petition of the California Public Utilities Commission for Waiver of the Federal Communications Commission's Contamination Threshold Rule*, CC Docket No. 99-200, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citations omitted).

¹⁰ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citations omitted).

Commission rules in order to facilitate restoral and continuation of service in USVI. The circumstances justifying grant of those waivers are equally applicable to CenturyLink. Like Sprint, CenturyLink is dependent on other parties to establish new trunk groups to support its service, and the local incumbent has not done so. CenturyLink's establishment of voice and broadband services in the USVI will add another competitor to the territories, and will contribute to the restoral of service to end users. Like Sprint, CenturyLink is trying to establish service to help remedy telecommunications service disruptions and improve infrastructure function on USVI, and to provide end users another option for restoring reliable and feature-rich service. Like Sprint, CenturyLink believes a limited, six-month waiver will mitigate the current hardship being experienced and provide benefits to the USVI. CenturyLink will continue to work expeditiously to establish the necessary trunking such that a waiver is no longer necessary, although CenturyLink recognizes that the cooperation of the local incumbent will be necessary in the end. However, in the meantime, CenturyLink finds itself in the same circumstance as Sprint and respectfully requests a waiver to enable it to provide service as restoration efforts continue to be the priority on USVI.

III. CONCLUSION

For the foregoing reasons, CenturyLink requests that the Commission grant a six-month waiver that permits telephone numbers to be ported outside LATA boundaries so CenturyLink may establish service and serve customers on USVI while the area continues to recover from the devastation of Hurricane Maria.

Respectfully submitted,

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